



Atty. Dkt. No. 071949-5301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey R. Dahlen, et al.

Title: USE OF B-TYPE NATRIURETIC
PEPTIDE AS A PROGNOSTIC
INDICATOR IN ACUTE
CORONARY SYNDROMES

Appl. No.: 09/835,298

Filing Date: 04/13/2001

Examiner: Lam, Ann Y.

Art Unit: 1641

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Vanessa E. Agha</u> (Printed Name)</p> <p><u>Vanessa E. Agha</u> (Signature)</p> <p><u>10-27-2005</u> (Date of Deposit)</p>
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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with Applicants' duty of disclosure under 37 C.F.R. §1.56, submitted herewith on Form PTO/SB/08 is a list of potentially relevant documents known to Applicants.

In compliance with the provisions of 37 C.F.R. §1.97 and §1.98, a copy of each non-U.S. patent document and each non-patent document also is submitted herewith.

The submission of any document herewith is not an admission that such document constitutes prior art against the claims of this application or that such document is material to patentability, as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action that would be appropriate to antedate or otherwise remove as a competent reference any document that is determined to be a *prima facie* art reference against the claims of this application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 C.F.R. §1.97(b), before the mailing date of the first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

RELEVANCE OF EACH DOCUMENT

Note that documents A1, A23, A26, A36, A51-A55 and A101 listed on the Form PTO/SB/08 were subjects of argument in Patent Interference No. 105,167, which involved this application.

All of the submitted documents are in English.

Applicants respectfully request that the Examiner consider each listed document, make each document of record in this application, and return an initialed copy of the Form PTO/SB/08 in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

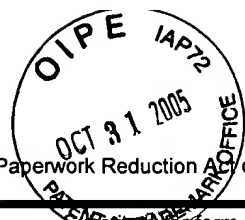
Respectfully submitted,

Date 10/26/2005

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MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: October 27, 2005

(use as many sheets as necessary)

Sheet 1 of 11

Complete if Known

Application Number	09/835,298
Filing Date	04/13/2001
First Named Inventor	Jeffrey R. Dahlen
Group Art Unit	1641
Examiner Name	Ann Y. Lam
Attorney Docket Number	071949-5301

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	5,747,274		JACKOWSKI	05/05/1998	
	A2	5,604,105		JACKOWSKI	02/18/1997	
	A3	5,786,163		HALL	07/28/1998	

FOREIGN PATENT DOCUMENTS

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NON PATENT LITERATURE DOCUMENTS

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	A4	Party Stanton Proofs of Invention for Interference 105,167.	
	A5	Declaration of George Jackowski, Interference No. 105,167.	
	A6	Declaration of Dr. A. Mark Richards, Interference No. 105,167.	
	A7	Declaration of Eric Stanton, Interference No. 105,167.	
	A8	AL-AHMAD et al., Reduced Kidney Function and Anemia as Risk Factors for Mortality in Patients With Left Ventricular Dysfunction, Journal of the American College of Cardiology, October 2001, pp. 955-962, Vol. 38, No. 4, Elsevier Science Inc.	

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		Examiner Name	Ann Y. Lam
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	A9	ALTEMOSE et al., Altered Myocardial Phenotype After Mechanical Support in Human Beings with Advanced Cardiomyopathy, The J. of Heart and Lung Transplantation, July 1997, pp. 765-773, Vol. 16, No. 7.	
	A10	ANDO et al., Plasma Concentrations of Atrial, Brain, and C-type Natriuretic Peptides and Endothelin-1 in Patients With Chronic Respiratory Diseases, CHEST, August 1996, pp. 462-468, Vol. 110, No. 2.	
	A11	APPLE et al., Myocardial Infarction Redefined: Role of Cardiac Troponin Testing, Clinical Chemistry, 2001, pp. 377-379, Vol. 47, No. 3.	
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	A16	BLOMKALNS et al., Markers and the Initial Triage and Treatment of Patients with Chest Pain, Cardiovascular Toxicology, 2001, pp. 111-115, Vol. 1, No. 2, Humana Press.	
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	A22	CAMERON et al., Natriuretic Peptide System in Fetal Heart and Circulation, Journal of Hypertension, 2002, pp. 801-803, Vol. 20, No. 5.	

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		Group Art Unit	1641
		Examiner Name	Ann Y. Lam
Sheet	3	of	11
		Attorney Docket Number	071949-5301

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	A23	CANNON et al., Oral Glycoprotein IIb/IIIa Inhibition With Orbofiban in Patients With Unstable Coronary Syndromes (OPUS-TIMI 16) Trial, Circulation, July 11, 2000, pp. 149-156.	
	A24	CANNON et al., ACC Clinical Data Standards, American College of Cardiology Key Data Elements and Definitions for Measuring the Clinical Management and Outcomes of Patients with Acute Coronary Syndromes, J. Am. Coll. Cardiol., December 2001, pp. 2114-30, Vol. 38, No. 7, Elsevier Science Inc.	
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	A32	DARBAR et al., Diagnostic Value of B-Type Natriuretic Peptide Concentrations in Patients With Acute Myocardial Infarction, The American Journal of Cardiology, August 1, 1996, pp. 284-287, Vol. 78.	
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	A35	DE BOLD A.J., Atrial Natriuretic Factor: A Hormone Produced by the Heart, Science, Nov. 15, 1985, pp. 767-770, Vol. 230.	
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Sheet 4 of 11

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	A37	DE LEMOS et al., Combining Natriuretic Peptides and Necrosis Markers in the Assessment of Acute Coronary Syndromes, Reviews in Cardiovascular Medicine, 2003, pp. S37-S46, Vol. 4, Supp. 4.	
	A38	DOMANSKI et al., A Comparative Analysis of the Results From 4 Trials of β -Blocker Therapy for Heart Failure: BEST, CIBIS-II, MERIT-HF, and CORPERNICUS, J. of Cardiac Failure, October 2003, pp. 354-363, Vol. 9, No. 5.	
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	A43	GUTKOWSKA et al., Radioreceptor Assay for Atrial Natriuretic Factor, Analytical Biochemistry, January 1988, pp. 100-106, Vol. 168, No. 1, Academic Press, Inc.	
	A44	HAMPTON et al., Achieving Appropriate Endpoints in Heart Failure Trials: the PRIME-II Protocol, The European Journal of Heart Failure, 1999, pp. 89-93, Vol. 1.	
	A45	HAMMERER-LECHER et al., Head-to-Head Comparison of N-terminal Pro-brain Natriuretic Peptide, Brain Natriuretic Peptide and N-terminal Pro-atrial Natriuretic Peptide in Diagnosing Left Ventricular Dysfunction, Clinica Chimica Acta, 2001, pp. 193-197, Vol. 310.	
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	A49	HUNT et al., Differing Biological Effects of Equimolar Atrial and Brain Natriuretic Peptide Infusions in Normal Man, J Clin Endocrinol Metab, 1996, pp. 3871-76, Vol. 81, No. 11.	
	A50	HWANG et al., Analysis of Expressed Sequence Tags from a Fetal Human Heart cDNA Library, Genomics, 1995, pp. 293-298, Vol. 30.	

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	A51	IKRAM et al., An Ovine Model of Acute Myocardial Infarction and Chronic Left Ventricular Dysfunction, Angiology, Aug. 1997, Vol. 48, No. 8, 1 page abstract retrieved on-line on Jul 27, 2004.	
	A52	ISHII et al., Risk Stratification Using Cardiac Troponin T in Patients with End-Stage Renal Disease, Supplement to Circulation, Journal of the American Heart Association, November 7-10, 1999, Abstracts from the 72 nd Scientific Sessions, p. I-177.	
	A53	ISHII et al., Early Risk Stratification Using Cardiac Troponin T and Brain Natriuretic Peptide in Patients with Congestive Heart Failure, Supplement to Circulation, Journal of the American Heart Association, November 7-10, 1999, Abstracts from the 72 nd Scientific Sessions, p. I-679.	
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	A56	ITOH et al., Occurrence of a Novel Cardiac Natriuretic Peptide in Rats, Biochemical and Biophysical Research Communications, June 15, 1989, pp. 732-739, Vol. 161, No. 2.	
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	A61	KELLY et al., Are Natriuretic Peptides Clinically Useful as Markers of Heart Failure?, Ann. Clin. Biochem., 2001, pp. 94-102, Vol. 38.	
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	A64	LARAGH J.H., Atrial Natriuretic Hormone, the Renin-Aldosterone Axis, and Blood Pressure-electrolyte Homeostasis, The New England Journal of Medicine, November 21, 1985, pp. 1330-40, Vol. 313, No. 21, Massachusetts Medical Society.	

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	A65	CIBIS-II INVESTIGATORS AND COMMITTEES, The Cardiac Insufficiency Biosprolol Study II (CIBIS-II): A Randomised Trial, The Lancet, January 2, 1999, pp. 9-13, Vol. 353.	
	A66	Li et al., Greater Frequency of Increased Cardiac Troponin T Than Increased Cardiac Troponin I in Patients with Chronic Renal Failure, Clinical Chemistry, 1996, pp. 114-15, Vol. 42, No. 1.	
	A67	LIEW et al., A Catalogue of Genes in the Cardiovascular System as Identified by Expressed Sequence Tags, Proc. Natl. Acad. Sci. USA, October 1994, pp. 10645-10649, Vol. 91.	
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Sheet 7 of 11

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Application Number	09/835,298
Filing Date	04/13/2001
First Named Inventor	Jeffrey R. Dahlen
Group Art Unit	1641
Examiner Name	Ann Y. Lam
Attorney Docket Number	071949-5301

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				First Named Inventor	Jeffrey R. Dahlen
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				Examiner Name	Ann Y. Lam
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